REMARKS

Applicant has studied the Office Action dated August 10, 2005. Claims 11-14, 18-21, 38, 39, 41, 42, 44, 63, 64 and 70-22 are pending. Claims 11 and 38 are independent claims. It is submitted that the application is in condition for allowance. Reconsideration and reexamination are respectfully requested.

§ 102 Rejections

Claims 11, 13, 14, 38, 41, 63, 70 and 72 were rejected under 35 U.S.C. § 102(b) as being anticipated by Rostoker et al. ("Rostoker" U..S. Patent No. 5,708,659). Applicant respectfully disagrees with the Examiner's interpretation of Rostoker and traverses the rejection.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

With regard to the rejection of independent claims 11 and 38, it is respectfully noted that independent claims 11 and 38 are directed to a specific structure as disclosed in FIGS. 7 and 8 of the specification. It is further respectfully noted that the Examiner asserts the same portions of Rostoker as disclosing the limitations of each claim. Therefore, the rejection will be discussed with regard to independent claim 11, with the same arguments applicable to the rejection of independent claim 38.

It is respectfully noted that the Examiner asserts, at paragraph 3 on page 3 of the Office action, that col. 27, ll. 24-25 and col. 40, ll. 35-37 of Rostoker discloses the deciphering of "ciphered protocol data units (PDUs) of the RLC layer received from a lower layer of the receiving device through at least one of a plurality of channels." Specifically, the Examiner asserts that Rostoker discloses "decrypting, or deciphering, received data" at col. 27, ll. 24-25 and discloses "the use of the invention in a wireless, or radio, environment" at col. 40, ll. 35-37.

It is respectfully noted that the specific disclosure at col. 27, ll. 24-25 of Rostoker is "MPEG coded data placed on the second data bus 342 may be passed to a ... decryption circuit

351" and the specific disclosure at col. 40, ll. 35-37 of Rostoker is "a wireless device which may be networked for the wireless transmission and reception of audio and video information." It is respectfully submitted that the disclosure of the cited portions of Rostoker is insufficient to disclose the recited protocol data units that are of the RLC layer and received from a lower layer of the receiving device through at least one of a plurality of channels.

It is respectfully noted that col. 27, ll. 24-25 of Rostoker is a discussion of the embodiment illustrated FIG. 3. It is further respectfully noted that that Rostoker further discloses that "FIG. 3 illustrates ... the digital video network apparatus 300" and that "the MPEG ... circuits 329 compress the ... data normally present in digitized imaged and motion video" and "[t]he MPEG ... circuits 329 [receive] coded video data over the bus 342." Col. 26, ll. 28-29, Col. 27, ll. 9-19 and FIGS. 1-3.

It is respectfully submitted that the "received data" disclosed by Rostoker as being "deciphered" is "MPEG coded data" that is received over a "data bus 342" that is internal to the "digital video network apparatus 300" rather than the deciphering of protocol data units from an RLC layer that are received from a lower layer of the receiving device through at least one of a plurality of channels. It is further respectfully submitted that the disclosure of "a wireless device which may be networked for the wireless transmission and reception of audio and video information" is not sufficient to disclose an RLC layer, a lower layer of the receiving device or receiving data through at least one of a plurality of channels.

It is respectfully noted that the Examiner asserts, at paragraph 3 on page 3 of the Office action, that FIG. 30 of Rostoker discloses "stores the deciphered PDU[s]." Specifically, the Examiner asserts that FIG. 30 discloses "the packet is stored in memory while the header is processed."

It is respectfully noted that Rostoker FIG. 30 discloses only STORE PACKET IN MEMORY." It is further respectfully noted that the disclosure in Rostoker corresponding to FIG. 30 fails to disclose any deciphered PDUs. See Rostoker at col. 18, ll. 2-16. It is respectfully submitted that the disclosure of a "packet" that is "stored" is insufficient to disclose a deciphered PDU that is stored. Therefore, given that col. 27, ll. 25-24 and col. 40, ll. 35-37 fails to disclose any deciphered PDUs, it is respectfully submitted that the Examiner has failed to show that Rostoker discloses the recited stores the deciphered PDUs.

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It is respectfully noted that the Examiner asserts, at paragraph 3 on pages 3-4 of the Office action, that col. 21, ll. 46-48 of Rostoker discloses "removes headers from the deciphered PDU[s]." It is respectfully noted that the specific disclosure at col. 21, ll. 46-48 of Rostoker is "the controller 560 may strip off packet headers." It is further respectfully noted that col. 21, ll. 46-48 of Rostoker is a discussion of the embodiment illustrated FIG. 36. It is further respectfully noted that that Rostoker further discloses that "FIG. 36 illustrates an interconnection 566 to a ... Ethernet network" and that "[t]he network architecture shown in FIG. 36 can simultaneously switch graphic between a plurality of different networks employing different protocols, such as Ethernet, ATM, FDDI, Token Ring, etc." and that "[t]he networks can be LANs, WANs, or a mixture of both." Col. 21, ll. 22-45.

It is respectfully submitted that the disclosure of "strip off packet headers" is insufficient in view of the related disclosure of switching "graphic between a plurality of different networks employing different protocols" to disclose deciphered PDUs. Therefore, given that col. 27, ll. 25-24, col. 40, ll. 35-37, col. 18, ll. 2-16 and FIG. 30 of Rostoker fail to disclose any deciphered PDUs, it is respectfully submitted that the Examiner has failed to show that Rostoker discloses the recited removes headers from the deciphered PDUs.

It is respectfully noted that the Examiner asserts, at paragraph 3 on page 4 of the Office action, that col. 12, ll. 34-37 of Rostoker discloses "reassembles the deciphered PDU[s] outputted from the header removing module into service data units (SDUs) and then transmits the SDUs to an upper layer through an access point." It is respectfully noted that the specific disclosure at col. 12, ll. 34-37 of Rostoker is "reassemble the SAR SDU into its corresponding CS-PDU."

It is respectfully submitted that the disclosure is the opposite of the recited reassembles ... PDUs ... into service data units (SDUs). It is further respectfully submitted that there is no correspondence disclosed in Rostoker between the "SAR SDU" as cited by the Examiner at col. 12, ll. 34-37 and the "deciphered PDU[s]" from which "packet headers" are stripped as cited by the Examiner at col. 21, ll. 46-48, a correspondence required by the recited deciphered PDUs which are outputted from the header removing module and reassembled into service data units (SDUs). Moreover, notwithstanding that Rostoker discloses reassembling an "SDU" into a "CS-PDU" and fails to disclose the recited correspondence between the "reassembly module" and the "header removing module," it is respectfully submitted that there is no disclosure in Rostoker

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that the "CS-PDU" is transmitted <u>to an upper layer through an access point</u> as recited by the claims of the present invention.

It is respectfully submitted that the Examiner has combined portions of Rostoker that fail to disclose the specific recitations or the recited correspondence between individual limitations of independent claims 11 and 38 of the present invention. Therefore, it is respectfully asserted that independent claims 11 and 38 are allowable over the cited reference. It is further respectfully asserted that claims 13, 14, 63 and 72, which depend from claim 11, and claims 41 and 70, which depend from claim 38, also are allowable over the cited reference.

§ 103 Rejections

Claims 12 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rostoker in view of Forssell et al. ("Forssell" U.S. Pat. No. 6,683,860). This rejection is respectfully traversed.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of <u>prima facie</u> obviousness. Otherwise the rejection is incorrect and must be overturned. As the court recently stated in <u>In re Rijkaert</u>, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

It is further respectfully noted that "In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a <u>prima facie</u> case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. 'A <u>prima facie</u> case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.' If the examiner fails to establish a <u>prima facie</u> case, the rejection is improper and will be overturned." (citations omitted.)

It is respectfully submitted that Forssell fails to cure the deficiencies of Rostoker previously identified with regard to <u>protocol data units</u> from an <u>RLC</u> layer that are received <u>from a lower layer of the receiving device through at least one of a plurality of channels</u> as well as <u>deciphered PDUs</u> from which <u>headers</u> are removed and which are reassembled into <u>service data units</u> as recited in independent claims 11 and 38. Therefore, it is respectfully asserted that independent claims 11 and 38 are allowable over the asserted combination of references, as are claims 12 and 39 by virtue of their dependence from, respectively, claims 11 and 38.

Claims 18 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rostoker in view of Forssell and Parmar et al. ("Parmar" U.S. Pat. No. 6,725,039). This rejection is respectfully traversed.

It is respectfully submitted that Forssell and Parmar fail to cure the deficiencies of Rostoker previously identified with regard to protocol data units from an RLC layer that are received from a lower layer of the receiving device through at least one of a plurality of channels as well as deciphered PDUs from which headers are removed and which are reassembled into service data units as recited in independent claims 11 and 38. Therefore, it is respectfully asserted that independent claims 11 and 38 are allowable over the asserted combination of references as are claims 18 and 44 by virtue of their dependence from, respectively, claims 11 and 38.

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rostoker in view of Forssell and Parmar in further view of Grover et al. ("Grover" U.S. Pat. No. 5,497,404). This rejection is respectfully traversed.

It is respectfully submitted that Forssell, Parmar and Grover fail to cure the deficiencies of Rostoker previously identified with regard to protocol data units from an RLC layer that are received from a lower layer of the receiving device through at least one of a plurality of channels as well as deciphered PDUs from which headers are removed and which are reassembled into service data units as recited in independent claim 11. Therefore, it is respectfully asserted that independent claim 11 is allowable over the asserted combination of references, as is claim 19 by virtue of its dependence from claim 11.

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rostoker in view of Forssell and Parmar in further view of Grover and Choi et al. ("Choi" U.S. Pat. No. 6,272,117). This rejection is respectfully traversed.

It is respectfully submitted that Forssell, Parmar, Grover and Choi fail to cure the deficiencies of Rostoker previously identified with regard to protocol data units from an RLC layer that are received from a lower layer of the receiving device through at least one of a plurality of channels as well as deciphered PDUs from which headers are removed and which are reassembled into service data units as recited in independent claim 11. Therefore, it is respectfully asserted that independent claim 11 is allowable over the asserted combination of references, as is claim 20 by virtue of its dependence from claim 11.

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rostoker in view of Forssell and Parmar in further view of Grover, Choi and Lindquist (U.S. Pat. No. 5,838,782). This rejection is respectfully traversed.

It is respectfully submitted that Forssell, Parmar, Grover, Choi and Lindquist fail to cure the deficiencies of Rostoker previously identified with regard to protocol data units from an RLC layer that are received from a lower layer of the receiving device through at least one of a plurality of channels as well as deciphered PDUs from which headers are removed and which are reassembled into service data units as recited in independent claim 11. Therefore, it is respectfully asserted that independent claim 11 is allowable over the asserted combination of references, as is claim 21 by virtue of its dependence from claim 11.

Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rostoker in view of Grover. This rejection is respectfully traversed.

It is respectfully submitted that Grover fails to cure the deficiencies of Rostoker previously identified with regard to protocol data units from an RLC layer that are received from a lower layer of the receiving device through at least one of a plurality of channels as well as deciphered PDUs from which headers are removed and which are reassembled into service data units as recited in independent claim 38. Therefore, it is respectfully asserted that independent claim 38 is allowable over the asserted combination of references, as is claim 42 by virtue of its dependence from claim 38.

Claims 64 and 71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rostoker in view of Treadaway et al. ("Treadaway" U.S. Pat. No. 6,480,477). This rejection is respectfully traversed.

It is respectfully submitted that Treadaway fails to cure the deficiencies of Rostoker previously identified with regard to protocol data units from an RLC layer that are received from a lower layer of the receiving device through at least one of a plurality of channels as well as deciphered PDUs from which headers are removed and which are reassembled into service data units as recited in independent claims 11 and 38. Therefore, it is respectfully asserted that independent claims 11 and 38 are allowable over the asserted combination of references as are claims 64 and 71 by virtue of their dependence from, respectively, claims 11 and 38.
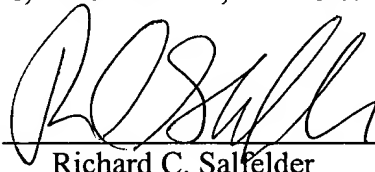
CONCLUSION

In light of the above remarks, Applicant submits that claims 11-14, 18-21, 38, 39, 41, 42, 44, 63, 64 and 70-72 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

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